IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 19289 of 1997

Between:

Good Quality Feed Mills,

Rep.by its Authourised Signatory RAMESH DARAK,
Kher Mahal, Dimapur,
Nalgonda,

..... PETITIONER

AND

1 The Govt. of Andhra Pradesh Rep. by its Secretary, Revenue(Excise Dept.,)
Secretariat Buildings, Hyderabad.
2 The Commissioner Of Prohibition & Excise, Govt., of A.P.
Nampally, HYDERABAD
3 The Sub-Divisional Prohibition & Excise Officer,
Tirupathi, Chittoor district.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction, declaring that G.O.Ms.No.644 Revenue(E) Dept.Dt.15-6-76 declaring and demanding that administrative Charges at the rate of Rs.25/- per Metric Tonne Should be collected on Molasses exported to our of Andhra Pradesh is arbitrary, illegal and without jurisdiction and unenfoceable, and the insistence on taking the escort with each tanker lorry transporting Molasses for the purpose of Export and the instance on the payment of Charges for such escort is illegal ;and without jurisdiction, apart from being violative of Article 19(1) (g) of the constitution of India; and to pass

Counsel for the Petitioner:MR.A.SRINIVAS PRASAD

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:

It is represented by the learned counsel for the petitioner and admitted to by the learned Government Pleader for Prohibition and Excise that the subject matter in this writ petition is squarely covered by a Division Bench judgment of this Court dated 08-05-2001 in W.A.No.2209 of 1998 and batch, wherein it was held. –

> "In view of what is stated above, while we uphold the argument that the State is not debarred from making any legislation with regard to the molasses, we hold that since no such legislation has been made by the State of A.P., regarding the subject of molasses, the impugned orders of the respondents are unconstitutional, illegal and nonest.
>
> Accordingly, the Writ Appeals are dismissed and the Writ Petitions are allowed".

2. Recording the above submission and following the ratio in the aforementioned judgment, this Writ Petition is also allowed. Office is directed to annex a copy of the judgment in W.A.No.2209 of 1998 and batch, dated 08-05-2001, to this order. No costs.

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N.V. RAMANA, J

18-3-2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.. The Secretary, Revenue(Excise Dept.,)

Govt. of Andhra Pradesh Secretariat Buildings, Hyderabad.

2 The Commissioner Of Prohibition & Excise, Govt., of A.P.
Nampally, HYDERABAD

3 The Sub-Divisional Prohibition & Excise Officer,
Tirupathi, Chittoor district.

4) 2 CD copies

5) 2CCs to Government Pleader for Prohibition and Excise , High Court of A.P. Buildings, Hyderabad (OUT)

*Form-NIC-OGS/WP{**ANURADHA**}*